

Appl. No. : **10/765,464**
Filed : **January 26, 2004**

REMARKS

By way of summary, Claims 1-27 were submitted in the application as originally filed. In response to the Restriction Requirement mailed April 18, 2006, the Applicant elected to pursue Claims 1-24 and cancelled Claims 25-27 without prejudice. In this paper, Claims 1, 3, 4, 12, 14, 15, 23, and 24 are amended, Claims 2, 13, and 14 are cancelled without prejudice, and new claims 28-34 are added. Accordingly, Claims 1, 3-12, 15-24 and 28-34 are currently pending.

Allowable Claims

In the Office Action, the Examiner indicated that Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. By this paper, the Applicant presents new independent Claim 28 which comprises Claim 15 rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, and including all of the limitations of the base claim and intervening claims.

Claim Rejections under 35 U.S.C. §112

In the Office Action, the Examiner rejected Claims 2-4, 13-15, and 23 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In this paper, the Applicant has amended the claims to respond to the Examiner's rejections and believes the claims of the above captioned application are in condition for allowance.

The Examiner stated that use of the term "mound" is not sufficient in setting forth the raised portion of the seat back in clear structural terminology in a manner to clearly and positively define the invention. The Examiner indicated the same applies to the phrase "contoured about the opening" in Claim 13.

In Claims 1, 12, and 23, the term "mound" has been amended to read, "a raised mound portion extending approximately rearward from the rear portion". Support for this amendment is found at least in Figures 10 and 11. The Applicant also submits that in light of this amendment, Claim 3 is also allowable due to at least its dependency on Claim 1.

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Further, the Examiner noted that the phrases “contoured with respect to the mound” and “to maintain a desired thickness... about the opening” are confusing and unclear in Claims 4 and 15, as it is unclear as to what depth the “desired thickness” refers. Also, the Examiner noted that the phrase “a reduction in the front portion of the bun about the opening” is confusing and unclear in Claim 15.

For further clarity, Claims 4 and 15 have been amended. Amended Claim 4 recites in relevant portion, “wherein the front portion of the foam bun is dimensioned with respect to the mound so as to generally maintain a selected thickness of the foam bun about the opening. Amended Claim 15 recites in relevant portion, “the bun further comprises a front portion of the bun joined to the rear portion, wherein at least a portion of the front portion generally opposite from the mound has a thickness dimension which is reduced about the opening to generally maintain a selected thickness of the bun about the opening.” Support for these amendments are found at least in Figures 10, 11, and 12.

Claim Rejections under 35 U.S.C. 102

The Examiner rejected Claims 1-4, 6-9, 12, 13, 17-20, and 23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 3,615,118 to Buxton (“Buxton”). The Examiner further rejected Claims 1-3, 12-14, and 23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,726,621 to Müller (“Müller”). The Examiner also rejected Claims 1-7, 10-14, and 16-18 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number Re. 33,423 to Lobanoff (“Lobanoff”). By this paper, the Applicant has amended the claims and believes that independent Claims 1, 12, 23, and 24, as amended, distinguish the above references and hereby requests reconsideration of the above-captioned application in light of the remarks contained herein.

Independent Claims 1, 12, 23, and 24 have been amended to recite a seat comprising a bun having a raised mound portion extending approximately rearward from the rear portion of the bun. As discussed in the application as filed, in certain embodiments, the seat bun is has an opening defined by its rear portion and possesses a mound extending rearward about the opening so as to allow sufficient depth of the opening to allow flush mounting of a component.

After reviewing the Buxton reference and, in particular, after reviewing Figure 1 referenced by the Examiner, the Applicant notes that Buxton fails to disclose any such mound which extends approximately rearward from the rear portion of the bun. Specifically, the top of the seat is described as protruding somewhat at 52 to form a head rest in Column 2, Lines 60-62. The protrusion at 52 extends outward towards the front face of the seat to function as a head rest. Furthermore, the protrusion does not extend about the opening recess. Thus, the protrusion serves to provide comfort for a passenger using the seat.

Consequently, the Applicant believes that Buxton discloses a seat which possesses a forward facing protrusion for added comfort of a passenger using the seat, rather than as a rearward facing mound which extends about an opening to increase the depth of the opening. In fact, Buxton offers no motivation for such rearward facing mound, as Buxton does not disclose or suggest using the protrusion to provide additional thickness of the seat for the recess. For at least this reason, the Applicant believes that Claims 1, 12, and 23 as amended are allowable over the Buxton reference.

After reviewing the Müller reference and, in particular, after reviewing Figures 1-3 referenced by the Examiner, the Applicant notes that Müller fails to disclose a seat having a mound which extends rearward about an opening in the rear portion of the seat, as disclosed by the Applicant. Müller discloses a table attached to the rear of a chair back capable of moving between an erect position parallel to the chair back and an operative position where the table surfaces parallel at different horizontal levels. In contrast to the Applicant's invention, the recesses which Müller discloses are within the table for glasses, cups, ashtrays, and similar items (Column 2, Lines 50-51), not a location in which a utility or entertainment component is mounted. Furthermore, Müller discloses only that the table "abut closely to the chair back" (Column 3, Lines 15-16) and Figures 1-3 illustrate a mound which abuts the table on a single side, with no additional abutment on other sides. Müller does not disclose a seat having a mound which extends about the opening, where the opening allows installation of components therein. Additionally, Müller offers no motivation for such a mound, as Müller is only concerned with the configuration of the table and not the seat itself. For at least these reasons, the Applicant believes that Claims 1, 12, and 23 as amended are allowable over the Müller et al. reference.

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After reviewing the Lobanoff reference and, in particular, after reviewing Figures 4, 6-10, and 17-19 referenced by the Examiner, the Applicant believes that Lobanoff also fails to disclose a bun or seat having an opening and a raised mound portion extending approximately rearward about the opening. Specifically, examining Figures 4 and 6-8, Lobanoff discloses a head restraint 30 mounted on top of a seat by one or more mounting arms 50, not a seat or bun for a seat as disclosed by the Applicant. With respect to Figures 9-10 and 17-19, Lobanoff discloses a seat having an integral head restraint and an opening into which a vanity mirror may be positioned. However, the seat lacks any type of mound extending rearward from the rear portion of the seat about the opening. Further, there is no motivation whatsoever in the Lobanoff reference to teach such a mound as Lobanoff is unconcerned with having the bun or seat extend about the opening in the rear portion of the seat (Figures 13-15, 19, 19), instead allowing the vanity mirror or video device 435c to significantly protrude beyond the rear portion of the seat. For at least these reasons, the Applicant believes that Claims 1 and 12 as amended are allowable over the Lobanoff et al. reference.

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SUMMARY


For the foregoing reasons, the Applicant believes that independent Claims 1, 12, 23, 24, and 28 are allowable over the art of record. The Applicant believes that the remaining pending dependent claims define additional patentable subject matter and are also allowable due to their respective dependencies on Claims 1, 12, 23, 24, and 28. Consequently, the Applicant believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 9-12-06

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